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9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA, CENTRAL DISTRICT
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12 CLARENDON AMERICA INSURANCE
COMPANY,

13 Plaintiff,

14 v.

15 NEVADA YELLOW CAB CORPORATION,
16 JOSEPH JAMES CARLSON, and
PATRICIA L. PARKER,

17 Defendants.
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19 NEVADA YELLOW CAB CORPORATION
and JOSEPH JAMES CARLSON,

20 Cross-Complainants,

21 v.

22 CLARENDON AMERICA INSURANCE
COMPANY,

23 Cross-Defendant.
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CASE NO. 2:11-cv-00684-LRH-GWF

**JOINT STATUS REPORT AND
REQUEST TO CONTINUE STAY**

27 TO THE HONORABLE COURT, TO ALL PARTIES AND TO THEIR RESPECTIVE
28 ATTORNEYS OF RECORD:

1 On September 28, 2011 this Court signed the parties Stay of Discovery request (Doc.
2 41.)

3 This matter seeks a declaration of rights and obligations due and owing by plaintiff
4 CLARENDON AMERICA INSURANCE COMPANY ("CLARENDON") to its insured NEVADA
5 YELLOW CAB CORPORATION ("YELLOW CAB") stemming from an automobile accident that
6 occurred on October 1, 2006, between a vehicle in which Patricia Parker was a passenger and
7 a taxi cab owned by YELLOW CAB and driven by YELLOW CAB employee Joseph Carlson
8 (the "INCIDENT.")

9 On or about September 18, 2008, Patricia Parker filed suit against Carlson and YELLOW
10 CAB in Clark County Nevada District Court Case No. A571921 (the "Underlying Action").

11 CLARENDON is an excess carrier for YELLOW CAB and the plaintiff and defendants
12 entered into an agreement for binding arbitration which was to occur before the end of 2011 in
13 the Underlying Action.

14 The basis of the Stay was that issues raised by the instant Declaratory Relief Action may
15 be rendered moot to the extent an arbitration award is a) rendered in favor of the defendants in
16 the Underlying Action; or b) is rendered in favor of plaintiff for a sum which does not invade the
17 excess policy limits of CLARENDON.

18 The binding arbitration is now scheduled to occur on March 21, 2012 before arbitrators
19 Bradley Johnson, Esq., Dennis Prince, Esq., and Gerald Gillock, Esq. The arbitration hearing
20 will take place at Mr. Johnson's office located at 8985 South Eastern Avenue, Ste 200, Las
21 Vegas, Nevada 89123.

22 IT IS HEREBY STIPULATED AND AGREED jointly by the parties hereto through their
23 respective attorneys of record that the discovery stay can remain in place pending resolution of
24 the binding arbitration in the Underlying Action or until April 1, 2012 whichever occurs first. In
25 the event the arbitration is not finished and resolved by April 1, 2012, the parties will meet and
26 confer and file an amended Discovery Plan and Scheduling Order on or before April 16, 2012.

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1 The stay does not affect the pending motion to dismiss YELLOW CAB's counter-claim pursuant
2 to F.R.C.P. Rule 12(b)(6) filed on July 19, 2011.

3 DATED: January 21, 2012

MURCHISON & CUMMING, LLP

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5 By: 

6 Michael J. Nuñez, Esq.
7 Nevada Bar No. 10703
8 6900 Westcliff Drive, Suite 605
9 Las Vegas, NV 89145
Attorneys for CLARENDON AMERICAN
INSURANCE COMPANY

10 DATED: January __, 2012

MORALES, FIERRO & REEVES

11
12 By: /s/

13 Ramiro Morales, Esq.
14 Nevada Bar No. 7101
15 725 Eighth Street, Suite B
16 Las Vegas, NV 89101
17 Attorneys for Defendant NEVADA YELLOW CAB
CORPORATION

18 **ORDER**

19 Based upon the Stipulation of the parties and good cause shown,

20 IT IS SO ORDERED.

21 DATED: February 1, 2012

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23 GEORGE FOLEY, JR.
24 United States Magistrate Judge
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